

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

IN RE:

**TIGHT ENDS SPORTS BAR & GRILL,
INC.,**

Debtor

SALT & PEPPER RESTAURANTS, INC.

Plaintiff,

V.

**TIGHT ENDS SPORTS BAR & GRILL,
INC. and TIMOTHY DUNGAN,**

Defendants



Case No. 23-42104
Chapter 11 - TXEB

Adv. No. _____

**(Cause No. 22-cv-0675; Salt & Pepper
Restaurants, Inc. v. Tight Ends Sports
Bar & Grill, LLC and Timothy
Dungan v. BankSouth)**

NOTICE OF REMOVAL

Tight Ends Sports Bar & Grill, Inc., debtor in possession and plaintiff ("TESBG" or "Debtor"), files this Notice of Removal of the claims asserted by Salt & Pepper Restaurants, Inc. ("Plaintiff") in the above-styled action the 56th Judicial District Court of Galveston County, Texas (the "State Court") (which action has borne Case No. 22-cv-0675 in the State Court) to this Bankruptcy Court.

BACKGROUND

1. Removal is made pursuant to 28 U.S.C. § 1452, and this Notice of Removal has been prepared in accordance with Bankruptcy Rule 9027.

2. On April 20, 2022, Plaintiff commenced an action in the State Court by filing a petition in the State Court (the "State Court Action") asserting claims for, *inter alia*, breach of contract against TESBG and breach of guaranty against co-defendant Timonthy Dungan (together with TESBG, "Defendants").

3. Defendants have answered and appeared in the State Court Action.

4. A copy of the current docket form the State Court Action is attached hereto as **Exhibit GC001**.

GROUND FOR REMOVAL

5. The following without limitation describes the grounds for removal. Reference is also made to the pleadings and other papers on file in the State Court Action.

6. On November 3, 2023 (the "Petition Date"), Plaintiff filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. § 101, et seq. (the "Bankruptcy Code"), initiating Case No. 23-42104 with the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division (the "Bankruptcy Case").

7. The claims and causes of action asserted in the State Court Action are related to the Bankruptcy Case.

8. This action involves claims or causes of action that are removable under 28 U.S.C. § 1452 because they are, at a minimum, related to a case under the Bankruptcy Code over which the Bankruptcy Court has jurisdiction pursuant to 28 U. S. C. § 1334(b).

9. This Notice of Removal has been filed within ninety (90) days of the order for relief entered in the Bankruptcy Case.

PARTIES

10. Pursuant to Local Rule 9027-1, the names and addresses of the parties and their counsel are shown below. Service has been effectuated on all parties.

Role	Party	Counsel
Plaintiff	Salt & Pepper Restaurants, Inc.	Preston T. Kamin Tyler J. McGuire Gray Reed 1300 Post Oak Blvd., #2000 Houston, TX 77056 713-986-7000(W) 713-986-7100(F) pkamin@grayreed.com
Defendant	Dungan, Timothy 5584 State Hwy 121 Plano, TX 75024	Pro Se
Defendant	Tight Ends Sports Bar & Grill, LLC	Jeff Carruth Weycer, Kaplan, Pulaski & Zuber, P.C. 24 Greenway Plaza, Suite 2050 Houston, TX 77046 713-341-1158(W) 713-961-5341(F) jcarruth@wkpz.com
Garnishee	BankSouth c/o. Texas Secretary of State 1019 Brazos Street Austin, TX 78701	Pro Se <i>Answer was signed by:</i> David Cowles, COO 6340 Lake Oconee Parkway Greensboro, GA 30642 716-453-2943 dcowles@banksouth.com
Garnishor	Salt & Pepper Restaurants, Inc.	Preston T. Kamin Tyler J. McGuire Gray Reed 1300 Post Oak Blvd., #2000 Houston, TX 77056 713-986-7000(W) 713-986-7100(F) pkamin@grayreed.com

CORE VS. NON-CORE MATTERS

11. This case involves core matters. The core matters involved include, without limitation, those referenced in 28 U.S.C. § 157(b)(2)(A), (B), (C), and (O).

DOCKET FROM UNDERLYING ACTION

12. Pursuant to L. Rule 9027-1, a copy of the record of this court, all known pleadings filed and orders entered in the State Court Action are filed concurrently herewith.

CONSENT TO FINAL ORDERS

13. Pursuant to L. Rule 9027-2, the Debtor as the party removing the proceeding consents to the entry of final orders, or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

RESERVATION OF RIGHTS

14. Debtor reserves the right to amend and/or supplement this Notice.

WHEREFORE, the Debtor respectfully requests that this Court accept this Notice of Removal and assume jurisdiction over this case, and issue such further orders and process as justice may require.

{continued on following sheet}

Dated: November 8, 2023

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth
JEFF CARRUTH
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PROPOSED ATTORNEYS FOR
TIGHT ENDS SPORTS BAR & GRILL, INC.
DEFENDANT AND DEBTOR IN POSSESSION

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2023, true and correct copies of the foregoing Notice of Removal, was served via the courts Efile and/or the PACER ECF system and by regular mail to each of the parties shown in Paragraph No. 10 above.

/s/ Jeff Carruth
Jeff Carruth